

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NEW HIGH-TECH ENTERPRISE
COMPANY INC.

v.

INTERWORKS UNLIMITED, INC.,
ERIC H. LU AKA ERIC LU, AND
ZHU HUAN LU AKA ZHU H. LU

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CASE NO. 4:18-cv-01962

**DEFENDANTS' FIRST AMENDED
DESIGNATION OF EXPERT WITNESSES**

TO: Plaintiff, New High Tech Enterprise Company, Inc. by and through its attorneys of record, Keith D. Peterson, LAW OFFICE OF KEITH D. PETERSON, 9601 Jones Rd., Suite 240, Houston, Texas 77065 and Craig Corsini, Hnoyi Chen, LAI, CORSINI, & LAPUS, LLC, 5800 Ranchester Drive, Suite 200, Houston, Texas 77036

Pursuant to the Court's Scheduling Order, Defendants, INTERWORKS UNLIMITED, INC. ERIC H. LU A/K/A ERIC LU, and ZHU HUAN LU A/K/A ZHU H. LU, serve this Designation of Expert Witnesses as follows:

1. Kenton Andrews
ANDREWS MYERS, P.C.
1885 Saint James Place, 15th Floor
Houston, Texas 77056-4110
Telephone: (713) 850-4200

Mr. Andrews's background information and Curriculum Vitae may be reviewed at www.andrewsmyers.com.

Mr. Andrews will testify about the reasonableness and necessity of attorneys' fees, expenses, and costs that the Defendants' incurred as a result of Plaintiff's violation of Texas Finance Code Section 305.006(d). Mr. Andrews will testify that

\$3,422 are reasonable and necessary fees that Defendant incurred as result of the aforementioned violation up until the date that Plaintiff filed its Motion to Abate on September 20, 2018. Mr. Andrews may testify regarding Plaintiff's claims for attorneys' fees, including opinions about appropriate rates and hours, activities performed, and expenses incurred in the above referenced matter.

His opinion and testimony regarding fees in this matter will be based on: (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly; (2) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyers; (3) the fee customarily charged in the locality for similar legal services; (4) the amount involved and the results obtained; (5) the time limitations imposed by the client or by the circumstances; (6) the nature and length of the professional relationship with the client; (7) the experience, reputation, and ability of the lawyer or lawyers performing the services; and (8) whether the fee is fixed or contingent based on results obtained or uncertainty of collection before the legal services have been rendered. Mr. Andrews will rely on his education, training, and experience as well as the pleadings, discovery, and other documents and materials served or filed in this case, including redacted attorneys' fees statements or invoices. Mr. Andrews has served as counsel in this case, and is familiar with the facts and the legal work required for the case, including the pleadings, discovery and motion practice in this matter. Plaintiff has not yet provided definitive evidence or a definitive opinion detailing the amount of and basis for any award of fees, and Defendants reserve their

rights to supplement this designation and provide a report once Plaintiff provides a definitive opinion and that information.

2. Eric Lu
2418 Peck Road
City of Industry, CA 90601
Tel: 562.692.8400
Fax: 562.692.8433

Eric Lu has been the President of Interworks Unlimited for over eleven (11) years. In his role as President of Interworks, Mr. Lu has experience in the purchasing, sale, and valuation of many consumer electric products. This includes the purchase, sale, and valuation of the type of hoverboard products which are the subject matter of this litigation. Mr. Lu has been involved in the sale of over seventy five thousand (75,000) hoverboard and numerous other consumer electronic sales throughout the United States. This includes leading negotiations and sales with large consumer retail merchants and direct to consumer sales.

Mr. Lu may also testify that Zhang Li's opinion that the value of the hoverboard items is between \$100,000 to \$120,000 is incorrect, and that Mr. Lu is of the opinion that the value of the hoverboard items that are the subject of this action greatly exceed Zhang Li's estimate. Mr. Lu is of the opinion that the hoverboard items have unit prices between \$175 and \$225 depending on the actual unit model. Mr Lu is also of the opinion that these models have a greater value because they licensed by HZ CHIC Technology which allows them to be sold online due to that intellectual property rights. This opinion is based on his experience and knowledge of similar hoverboard sales at or near the timeframe which is relevant to this dispute. Mr. Lu's

opinion is based on his experience and has reviewed invoices and sales records for sales of similar hoverboard products, and the two letter agreements that are the subject matter of this dispute.

Defendants further reserve the right to call at trial any experts designated by Plaintiff. Defendants also reserve the right to call rebuttal witnesses, the need for whom could not be reasonably anticipated.

Respectfully submitted,

By: /s/Kenton Andrews
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**ATTORNEY-IN-CHARGE FOR
DEFENDANTS, INTERWORKS
UNLIMITED INC., ERIC LU, AND ZHU
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OF COUNSEL:

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been delivered to all counsel of record listed below under the Texas Rules of Civil Procedure on the 8th day of May, 2019.

Via Email

Keith D. Peterson
LAW OFFICE OF KEITH D. PETERSON
9601 Jones Rd., Suite 240
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Craig Corsini
Hnoyi Chen
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5800 Ranchester Drive, Suite 200
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/s/*Kenton Andrews*
Kenton Andrews